

Appl. No. 10/785,467
Atty. Docket No. CM2599C
Amdt. dated August 16, 2005
Customer No. 27752

REMARKS

Claims 1 - 14 are pending in the present application. No additional claims fee is believed to be due.

Claims 1, 3, 8, 11, 13 and 14 have been canceled.

Claim 2 is amended by inserting "comprising a chewable base and an odor absorbing agent" following "composition" and deleting "according to Claim 1" following "composition." Support for the amendment is found in Claim 1 and places Claim 2 in an independent form. Claim 2 is further amended by deleting "selected from the group consisting of zeolite based material, silica-based material" following "agent is." Claim 2 is further amended by deleting "and" following "cyclodextrin." Claim 2 is further amended by inserting "or" following "cyclodextrin." Claim 2 is further amended by deleting "carbon-based odor absorbing agent and mixture" following "derivative."

Claim 4 is amended by inserting "uncomplexed" following "mixture of." Support for the amendment is found on page 10 line 32. Claim 4 is further amended by deleting "- following "either silica." Support for the amendment is found on page 13, line 23. Claim 4 is further amended by deleting "- following "together with silica." Support for the amendment is found on page 13, line 23.

Claim 5 is amended by deleting "1" following "Claim" and inserting "2" following "Claim." Claim 5 is further amended by deleting "-based" following "first odor absorbing agent selected from the group consisting of zeolite-based material, silica." Support for the amendment is found on page 13, line 23. Claim 5 is further amended by deleting "-based" following "second odor absorbing agent selected from the group consisting of zeolite-based material, silica." Support for the amendment is found on page 13, line 23.

Claim 6 is amended by deleting "-based" following "silica." Support for the amendment is found on page 13, line 23.

Claim 7 is amended by deleting "1" following "claim" and inserting "2" following "claim."

Claim 9 is amended by deleting "1" following "claim" and inserting "2" following "claim."

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Claim 10 is amended by deleting "1" following "claim" and inserting "2" following "claim."

These changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejections Under 35 USC §112

Claim 13 was rejected under 35 USC §112. Claim 13 is canceled.

Rejections Under 35 USC §102(b) Over Cherukuri et al.

Claims 1 and 2 were rejected under 35 USC §102(b) over Cherukuri et al. (WO 99/59428). Claim 1 is canceled. Cherukuri et al. does not disclose a chewable composition comprising uncomplexed cyclodextrin. Because Cherukuri et al. does not disclose a composition comprising uncomplexed cyclodextrin, Claim 2 is allowable over Cherukuri et al. The Applicants respectfully requests that the rejection of Claim 2 under 35 USC §102(b) be withdrawn.

Rejections Under 35 USC §102(b) Over Song et al.

Claims 1-4 were rejected under 35 USC §102(b) over Song et al. (US 5,128,155). Claims 1 and 3 are canceled. Song et al. does not disclose a chewable composition comprising uncomplexed cyclodextrin. Because Song et al. does not disclose a composition comprising uncomplexed cyclodextrin, Claims 2 and 4 are allowable over Song et al. The Applicants respectfully requests that the rejection of Claims 2 and 4 under 35 USC §102(b) be withdrawn.

Rejections Under 35 USC §102(b) Over Huzinec et al.

Claims 1-4, 7, and 9 were rejected under 35 USC 102(b) over Huzinec et al. (US 5,912,030). Claims 1 and 3 are canceled. Huzinec et al. does not disclose a chewable

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composition comprising uncomplexed cyclodextrin or derivative. Because Huzinec et al. does not disclose a composition comprising uncomplexed cyclodextrin or derivative, Claims 2, 4, 7 and 9 are allowable over Huzinec et al. The Applicants respectfully requests that the rejection of Claims 2, 4, 7, and 9 under 35 USC §102(b) be withdrawn.

Rejections Under 35 USC §102(b) Over Van Beem et al.

Claims 1-4, 7, 9, 10, 12, and 13 were rejected under 35 USC §102(b) over Van Beem et al. (US 5,912,030). Claims 1, 3, and 13 are canceled. Van Beem et al. does not disclose a chewable composition comprising uncomplexed cyclodextrin or derivative. Van Beem et al. discloses complexes of α -cyclodextrin. Because Van Beem et al. does not disclose a composition comprising uncomplexed cyclodextrin or derivative, Claims 2, 4, 7, 9, 10, and 12 are allowable over Van Beem et al. The Applicants respectfully requests that the rejection of Claims 2, 4, 7, 9, 10, and 12 under 35 USC §102(b) be withdrawn.

Rejections Under 35 USC §103(a) Over Huzinec et al.

Claims 5 and 6 were rejected under 35 USC §103(a) over Huzinec et al. (US 5,912,030). The Examiner states that Huzinec et al. teaches a chewable gum composition which contains all of the components of the instant application, in particular two odor absorbing materials in the form of zeolites and aluminum silicates. The Applicants respectfully traverse this rejection. Claims 5 and 6 of the present invention claim silica. Huzinec et al. does not teach or suggest silica or a silica-based material as an odor absorbing material. Silica and silica-based materials are fundamentally different substances as compared to aluminum silicates as disclosed in Huzinec et al. Furthermore, Huzinec et al. does not disclose a chewable composition comprising uncomplexed cyclodextrin or derivative. Because Huzinec et al. does not teach or suggest a composition comprising silica or uncomplexed cyclodextrin, Claims 5 and 6 are allowable over Huzinec et al. The Applicants respectfully requests that the rejection of Claims 5 and 6 under 35 USC §103(a) be withdrawn.

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Conclusion

Applicants have made an earnest effort to place their application in proper form. In view of the foregoing, Applicants respectfully request consideration of this application, entry of the amendments presented herein, and allowance of Claims 2, 4, 5, 6, 7, 9, 10, and 12.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


Signature

Roddy M. Bullock

Typed or Printed Name

Registration No. 37,290

(513) 634-0870

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